

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JOHN DOUGHERTY

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CRIMINAL DOCKET NO.: 19-64-JLS

ORDER

AND NOW this day of , 2024, upon consideration of Defendant John Dougherty's Motion to Postpone Surrender, it is hereby ORDERED that the Motion is GRANTED and that Defendant Dougherty shall surrender to his designated facility on or before Friday, October 25, 2024.

BY THE COURT:

Honorable Jeffrey L. Schmehl
United States District Court
Eastern District of Pennsylvania

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JOHN DOUGHERTY

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CRIMINAL DOCKET NO: 19-64-JLS

MOTION OF DEFENDANT, JOHN DOUGHERTY TO POSTPONE SURRENDER

TO THE HONORABLE JEFFREY L. SCHMEHL, JUDGE OF THE UNITED STATES
DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA:

AND NOW comes the Defendant, John Dougherty, by his attorney, Gregory J. Pagano, Esquire and respectfully moves this Court to Postpone Mr. Dougherty's Surrender until October 25, 2024 and in support thereof states the following:

1. Mr. Dougherty, was indicted on or about January 29, 2019 for acts related to his position as a business manager of a Philadelphia trade union.
2. The case was severed into two separate trials.
3. The first trial related to counts 97-116 of the indictment charging Mr. Dougherty and a codefendant with honest services fraud.
4. Mr. Dougherty was convicted of multiple counts of honest services fraud in November 2021.
5. The second trial related to Counts 1-96 of the indictment charging Mr. Dougherty and six codefendants with embezzlement and related charges from the union.

6. The second trial concluded on December 7, 2023, and Mr. Dougherty was convicted on multiple counts.
7. On July 11, 2024, John Dougherty appeared before this Honorable Court for sentencing.
8. Mr. Dougherty was sentenced to 72 months incarceration and 36 months supervised release and ordered to surrender to the Bureau of Prison to commence service of his sentence on September 4, 2024.
9. John Dougherty does not present a risk of flight or a danger to any person or to the community in general. Clear and convincing evidence supports those findings. Mr. Dougherty is 64 years of age, a lifelong Philadelphia resident, has exceedingly strong lifetime ties to the community. Most importantly Mr. Dougherty is the sole caregiver of his wife Cecelia who is extremely ill and completely disabled.
10. The service of Mr. Dougherty's sentence was delayed twice by this Court at the Defendant's request; delayed to September 24, 2024, due to Cecelia Dougherty's recent kidney surgery, and more recently delayed to October 1, 2024, due to other factors related to Cecelia Dougherty addressed in Defendant's motion to delay surrender (ECF 817).
11. Attached to this motion is a letter addressed to the Court received on September 29, 2024, from Cecelia Dougherty's neurosurgeon for 25 years, Erol Veznedaroglu, Robert A. Geoff Chair of Neurosurgery, Drexel University College of Medicine, President CEO Global Neuroscience Institute. He states that during her kidney surgery on September 19, 2024, she sustained a heart attack and required to be admitted into the ICU and contracted an infection. He states that she is multiple weeks away from recovery and that she will require multiple medical appointments and tests in the near future due to the

surgery and due to the undiagnosed heart condition. He states that John Dougherty is her primary care taker and “the only individual who Cecelia responds to.” He states that he is particularly concerned about Cecelia given her heart condition. Exhibit A, Dr. Veznedaroglu Letter.

12. As addressed in Mr. Dougherty’s motion, ECF 817, Cecelia’s primary professional caretaker, is visiting family in the Philippines and returning on October 21, 2024. Exhibit B, Dr. Pluta Letter of September 27, 2024.
13. Attached to this motion is a letter received on September 27, 2024, addressed to the Court, from Jermaine Bennett written “on behalf of most of the nurses and nursing assistants that work with Cecelia Dougherty.” Mr. Bennett has worked with Cecelia since approximately 2017. He states that “Ceilie will not make it without her Johnny” and “needs her Johnny to get through these next few weeks.” Exhibit C, Letter from Jermaine Bennett.
14. Cecelia Dougherty has very complex medical needs and care and is extremely vulnerable and requires a team of medical professionals to keep her alive. Mr. Dougherty is the manager of the team of medical professionals who provide for Cecelia’s care. In addition, he is her primary caretaker. He is intimately familiar with her health and behavior and he communicates and advocates for her.
15. The United States Sentencing Guidelines were amended on November 1, 2023, in response to the First Step Act of 2018, which amended Title 18, Section 3582(c)(1)(A), what is known as the compassionate release statute. The amendment to USSG 1B1.13(b)(3) expands the scope of those who qualify for release to include a defendant who is the only available caregiver to a spouse.

16. Mr. Dougherty recently underwent left foot and ankle surgery and is still recovering from that surgery and he has a post operative appointment on September 30, 2024.
17. Mr. Dougherty has been wholly compliant with Pretrial Services and he is not opposed to home confinement pending surrender to the Bureau of Prisons.
18. According to the Bureau of Prisons, Mr. Dougherty was designated to a low security prison and classified as a low security inmate. The Final Presentence Report of July 2, 2024, was ordered to be corrected and amended on September 27, 2024, to reflect that federal indictment CR 21-65 was dismissed.
19. On September 19, 2024, Mr. Dougherty was appointed counsel and an appeal was filed (ECF 819). It would be more cost efficient for appellate counsel to meet with Mr. Dougherty before he reports to prison.

Wherefore it is respectfully requested that Mr. Dougherty's surrender date be postponed until Friday October 25, 2024, for all of the reasons stated herein.

Respectfully submitted,

/s/ Gregory J. Pagano

Attorney for Defendant, John Dougherty
1315 Walnut Street, 12th Floor
Philadelphia, PA 19107
215-636-0160

Dated: September 30, 2024

CERTIFICATE OF SERVICE

Gregory J. Pagano, Esquire, hereby certifies that a true and correct copy of Defendant John Dougherty's Motion to Postpone Surrender was served upon government counsel, via the Court's electronic filing system.

_____/s/_____
GREGORY J. PAGANO, ESQ.
Attorney for John Dougherty

September 30, 2024